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|----------------|------------------|--------------|
| Date:          | December 1, 2004 | Phone Number |
| To:            | (703) 872-9306   |              |
| From:          | Examiner Ailes   |              |
| Kevin J. Zilka |                  |              |

Docket No.: NAIIP008/01.113.01

**App. No: 09/895,536**

Total Number of Pages Being Transmitted, Including Cover Sheet: 17

**Message:**

Please deliver to Examiner Ailes.

*7*  
 Thank you,  
 Kevin J. Zilka

*Original to follow Via Regular Mail*  *Original will Not be Sent*  *Original will follow Via Overnight Courier*

\*\*\*\*\*  
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PATENT

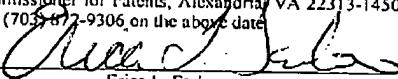
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
 Magdych et al. ) Group Art Unit: 2142  
 Application No. 09/895,536 ) Examiner: Ailes, Benjamin A.  
 Filed: 06/29/01 ) December 1, 2004  
 For: )  
 SYSTEM, METHOD AND COMPUTER )  
 PROGRAM PRODUCT FOR IMPROVED )  
 EFFICIENCY IN NETWORK ASSESSMENT )  
UTILIZING VARIABLE TIMEOUT VALUES )

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number: (703) 672-9306 on the above date.

Signed:



Erica L. Farlow

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

|   | Claims<br>Remaining<br>After<br><u>Amendment</u> | Highest<br>Previously<br><u>Paid For</u> | Present<br><u>Extra</u> | SMALL ENTITY<br><u>RATE FEE</u> | OR       | LARGE ENTITY<br><u>RATE FEE</u> |
|---|--|--|-------------------------|---------------------------------|----------|---------------------------------|
| TOTAL CLAIMS  | <u>32</u>  | <u>-</u>                                 | <u>30</u>               | <u>.02</u>                      | X09 = \$ | OR X18 = \$36                   |
| INDEP CLAIMS  | <u>05</u>  | <u>-</u>                                 | <u>05</u>               | <u>.00</u>                      | X44 = \$ | OR X88 = \$0                    |
| [ ] Multiple Dependent Claim Present<br>and Fee Not Previously Paid |  |  |                         | \$130                           |          | \$0                             |
|   |  |  |                         | TOTAL \$                        |          | \$36.00                         |

- Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351. Enclosed is our Check No. in the amount of \$ to cover the additional claim fee and/or extension of time fees. If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP008). A copy of this sheet is enclosed for billing purposes.

Respectfully submitted,  
 Zilka-Kotab PC

Kevin J. Zilka  
 Registration No. 41,429

P.O. Box 721120  
 San Jose, CA 95172-1120  
 Telephone: (408) 971-2573

(Revised 1996)

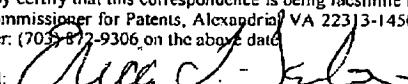
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Signed:   
 Erica L. Farlow

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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| [ ] Multiple Dependent Claim Present<br>and Fee Not Previously Paid |  |  |                         | \$130                           |          | \$0                             |
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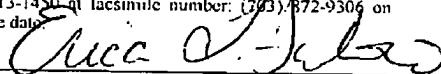
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I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number: (703) 372-9306 on the above date.

Signed:   
Erica L. Farlow

AMENDMENT A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action mailed on 11/18/04, please enter the following in the above application: